

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

MIGUEL MARTINEZ,  
Plaintiff,

v.

J. RIVELLO, et al.,  
Defendants.

CIVIL ACTION NO. 3:21-CV-1908

(MEHALCHICK, M.J.)

**ORDER**

AND NOW, this 2<sup>nd</sup> day of June, 2023, IT IS HEREBY ORDERED that:

1. The pending motion for summary judgment (Doc. 38) is **STRUCK AS PREMATURE**, as discovery has not yet been completed in this case, and without prejudice to Plaintiff refiling the motion upon completion of discovery;
2. Defendants shall file a brief in opposition to the motion to compel discovery (Doc. 34) within fourteen (14) days from the date of the order or on or before Friday, June 16, 2023; and
3. Plaintiff's motion for reconsideration (Doc. 43) is **GRANTED**. The Court had struck the interrogatories filed by Plaintiff (Doc. 36 and Doc. 37) because, under the local rules, such documents are not to be filed with the Court. L.R. 5.4(b). The documents were not marked as exhibits to Plaintiff's motion to compel, and the docketing clerked erroneously filed them as separate docket entries, rather than as exhibits to the motion to compel. Upon further review, it appears that Plaintiff intended to file these as exhibits to his motion to compel, and as such, the documents should not be struck from the docket. The Court's Order of September 29, 2022 (Doc. 42) is **VACATED**.

*s/ Karoline Mehalchick*  

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KAROLINE MEHALCHICK  
United States Magistrate Judge